

PROSKAUER ROSE LLP

Michael T. Mervis
Timothy Q. Karcher
Eleven Times Square
New York, NY 10036-8299
Tel.: (212) 969-3000

Nicole A. Eichberger (*pro hac vice* to be filed)
650 Poydras Street
Suite 1800
New Orleans, LA 70130-6146
Tel.: (504) 310-2024

Attorneys for Defendants

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re

**TRANSCARE CORPORATION, *et al.*,
Debtors.¹**

**SALVATORE LAMONICA, as Chapter 7 Trustee
for the Estates of TransCare Corporation, et al.,**

Plaintiff,

v.

LYNN TILTON, et al.,

Defendants.

Chapter 7

Case No. 16-10407 (SMB)

(Jointly Administered)

Adv. Proc. No. 18-01021

**DECLARATION OF NICOLE A. EICHBERGER, ESQ.
IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS CERTAIN CLAIMS
ASSERTED IN THE CHAPTER 7 TRUSTEE'S ADVERSARY COMPLAINT**

Nicole A. Eichberger, Esq. declares, pursuant to 28 U.S.C. §1746 and under penalty of perjury, that the following is true and correct:

1. I am a partner at the law firm Proskauer Rose LLP, counsel of record for Defendants¹ in this action. I make this Declaration on personal knowledge and submit it in support of Defendants' Motion to Dismiss Certain Claims Asserted in the Chapter 7 Trustee's Adversary Complaint.

2. Attached hereto as Exhibit A is a true and correct copy of excerpts from the Credit Agreement between TransCare Corporation and Patriarch Partners Agency Services, LLC, as Administrative Agent, dated August 4, 2003.²

Dated: May 4, 2018



Nicole A. Eichberger, Esq.

¹ The Defendants in this adversary proceeding are: Lynn Tilton, Patriarch Partners Agency Services, LLC, Patriarch Partners, LLC, Patriarch Partners Management Group, LLC, Ark II CLO 2001-1, Limited, Ark Investment Partners II, L.P., LD Investments, LLC, Patriarch Partners II, LLC, Patriarch Partners III, LLC, Patriarch Partners VIII, LLC, Patriarch Partners XIV, LLC, Patriarch Partners XV, LLC, Transcendence Transit, Inc., and Transcendence Transit II, Inc.

² Confidential information contained in Exhibit A has been redacted.